

Before the Federal Communications Commission
Washington, DC 20554

In the Matter of:)
)
Mass Media) MM 99-25
Bureau Notice)
of Proposed Rule) RM - 9208
Making:) RM - 9242
Creation of a Low)
Power Radio Service)

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

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The following are formal comments on the Notice of Proposed Rule Making (NPRM) (Mass Media Docket 99-25) for the establishment of a low power FM broadcasting service. These comments are submitted to the Commission by Judith Leggett and Nickolaus Leggett. These commentators are two of the Petitioners to the Commission in RM 9208 which requested the establishment of a microradio broadcasting service.

We support the general direction of the Commission's proposed rules in this Docket. We strongly agree that a low power FM broadcasting service is in the public interest. This service will build stronger and better communities throughout the nation. We also appreciate the Commission's courage in going against certain political interests with this NPRM.

However, we think that the proposed rules would be enhanced by making the changes suggested in these formal comments. Each suggested change is presented in a section of this document.

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LP10 (10 Watt) Stations are Needed

Low power 10 Watt (LP10) stations should be included in the new low power broadcasting rules. These little stations are appropriately sized for neighborhood service. Each 10 Watt station would serve a single urban or suburban neighborhood.

LP10 stations serve as neighborhood news and information outlets that are available to all citizens regardless of income. Each station could broadcast local community watch information, school meetings, localized emergency weather alerts, neighborhood religious services, club meetings, citizens' political discussions, job listings, new local musicians, and advertisements from local merchants. All of these broadcast contents sent from the neighborhood to the neighborhood.

This broadcasting serves to build the neighborhood by involving people directly in producing and using local radio programs. Contrast this with current large station broadcasting situations where the listener passively absorbs program content sent from a very distant source.

Neighborhood broadcasting would be especially useful in neighborhoods that are heavily impacted by poverty. If technical standards for LP10 stations are reasonable, the neighborhood can afford to raise funds to set up and operate a station. In many cases civic action and church groups would be involved in this effort. The little broadcast stations would empower the community to take charge of its situation and enable a better quality of life.

In some situations, LP10 may be the only practical power level due to spectrum congestion and the desires of many neighborhoods to set up broadcasting stations. A

typical LP10 station will only have a mile or two of range. This allows numerous LP10 stations to be licensed in a single city.

LP1000 (1000 Watt) Stations are Legitimate in Some Situations

We suggest that 1000 Watt (LP1000) stations are needed in some situations. In the rural western United States such as much of Texas and New Mexico, an LP1000 station would be needed to cover large land areas and low population density. However, in more densely populated parts of the nation, LP1000 stations are not appropriate and 100 Watt stations (LP100 stations) or LP10 stations would be more useful. A single LP1000 station in an urban area would use up the coverage area that could have been shared by several 100 Watt stations or numerous 10 Watt stations.

1000 Watt stations can easily defeat the concept of neighborhood coverage that is basic to low power broadcasting. This is because 1000 Watt stations are not really low power transmitters. Power levels near 1000 Watts are actually a transition zone between low power broadcasting and conventional broadcasting. In an urban or suburban area, a 1000 Watt station takes on many of the attributes of regular FM broadcasting and should not be considered as part of the low power environment. This problem occurs because the coverage area of a 1000 Watt station is too large to effectively serve individual neighborhoods and communities.

Both Commercial and Non-Commercial Licenses Should be Available

Some low power operators will provide completely non-commercial service to their neighborhoods and communities. This service will be supported by personal or outside funds. Many of the stations operated by community groups or churches will take

this option. Non-commercial service offers the advantage of access to the non-commercial section of the FM band. Also, these stations can be assigned channels by an FCC lottery system that does not favor rich and powerful applicants.

Other operators will want to establish stations that are supported by advertisements but which are non-profit by nature. We request that these stations be considered non-commercial stations as well. Under this approach , these stations could be assigned radio channels by an FCC lottery system.

Profit making commercial stations would exist in an allocation by auction environment that could favor the rich and powerful applicants at the expense of neighborhood and community groups. This negative impact of license auctions must be minimized by placing strict limitations on who could bid for a frequency. Discouraging large broadcasting corporations from acquiring too many low power radio stations and thus losing the intended neighborhood service aspects. We suggest that profit making stations be permitted under the low power broadcasting rules with these protections. This will allow individual entrepreneurs the opportunity to build a broadcasting business of their own.

In addition, the Commission should commit to a long term examination of the constitutionality of the auction system under the First and 14th Amendments of the U.S. Constitution. Auctions appear to violate the due process of law under the 14th Amendment and are questionable under the First Amendment.

AM Low Power Stations Should be Provided

The Commission proposes that the low power service be in the FM band only. We suggest that low power radio broadcasting also be enabled on the AM broadcast

band. This broadcasting would be very low power (10 Watt) daytime operation. These little AM stations could be similar to the traffic information stations already in service. Restricting the low power AM stations to daytime operation would eliminate any interference problems that could arise from long distance night time propagation on the AM band. These stations would be well suited to the distribution of neighborhood information by voice. If necessary, they could use a restricted bandwidth transmission and leave music broadcasting to FM low power radio stations.

Licenses Must be Renewable

We request that barring legal violations all low power broadcasting licenses be renewable. The need for community and neighborhood service will not disappear in 8 or 10 years. The low power stations would provide a valuable service and they should be allowed to continue providing the service over the years to come.

Digital Low Power Broadcasting Licenses Should be Available

Low power stations should be permitted to broadcast digital signals using the same transmission protocols used by the large radio stations. We expect that all of radio broadcasting will eventually shift to some digital mode. Low power radio broadcasting should be allowed to share in that digital future. This movement to digital would be helped by the fact that a personal computer such as a Pentium type could be used to perform much of the digital audio processing. The technical rules must be structured to allow the low power radio operators to develop and use such low cost innovations in their station design.

Respectfully Submitted,

May 24, 1999

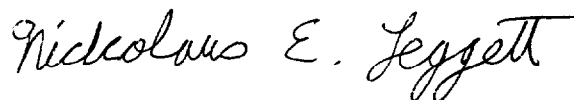
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